

Serial No. 10/728,180

Atty. Docket No. LeA 34 125C1

not examine the claims as submitted by Preliminary Amendment. Applicants respectfully request clarification, and reconsideration and reexamination of the present application and the claims 15-18 and 20-23 as submitted in the Preliminary Amendment (submitted December 4, 2003).

***Rejection Under 35 U.S.C. § 101***

The Examiner rejected claims 14-20 under 35 U.S.C. § 101 because the claimed recitation of use without setting forth any steps in the process results in a claim which is not a proper process claim under 35 U.S.C. § 101 (Paper No. 11182005, page 6). Applicants respectfully traverse this rejection.

Claims 14 and 19 were cancelled by Preliminary Amendment and claims 15-18 and 20 were amended by Preliminary Amendment.

It is thus submitted that claims 15-18 and 20 meet the requirements of 35 U.S.C. § 101 and reconsideration and withdrawal of the present rejection is respectfully requested.

***Rejection Under 35 U.S.C. § 112, second paragraph***

The Examiner rejected claims 1 and 14-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention (Paper No. 11182005, pages 5-6). Applicants respectfully traverse this rejection.

Claims 1-14 and 19 were cancelled by Preliminary Amendment and claims 15-18 and 20 were amended by Preliminary Amendment.

It is thus submitted that the claims 15-18 and 20 meet the requirements of 35 USC § 112, second paragraph, and reconsideration and withdrawal of the present rejection is respectfully requested.

***Claim Objections***

The Examiner objected to claims 1-12 (Paper No. 11182005, pages 4-5).

Claims 1-12 were cancelled by Preliminary Amendment.

Thus, Applicants respectfully request the withdrawal of the present objection.

***Double Patenting***

The Examiner rejected claims 1-5 and 7-13 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-7 of prior U.S. Patent No. 6,683,081 (Paper No. 11182005, pages 2-3).

Claims 1-5 and 7-13 were cancelled by Preliminary Amendment.

Thus, Applicants respectfully request the withdrawal of the present rejection.

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The Examiner has rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No.6,683,081 (Paper No. 11182005, page 4).

Claims 1-14 and 19 were cancelled by Preliminary Amendment and claims 15-18 and 20 were amended by Preliminary Amendment.

Thus, Applicants respectfully request the withdrawal of the present rejection.

### CONCLUSION


For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application, reconsideration and withdrawal of the present rejections and objections, and entry of the amendments. Should there be any further matter requiring consideration, Examiner Kahsay is invited to contact the undersigned counsel.

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

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